

Remarks

Applicant respectfully requests reconsideration of this application as amended herein.

Claim 11 has been objected to as duplicative of claim 10. Claim 11 has been canceled.

Claim 8 has been rejected as double patenting over claim 1 of Applicant's Patent No. 6,592,088, the parent of this application. Applicant will file a terminal disclaimer in this application to avoid this ground of rejection when claim 8 is otherwise indicated to be allowable.

Claims 1 and 15-17 have been rejected under 35 USC 112 as indefinite because "said other surface" lacks antecedent basis. The antecedent basis for "said other surface" is "another surface" in line 2 of claim 1. "Another" is a one-word spelling for "an other". Applicant is willing to amend claim 1 to change "another" to "an other" if the Examiner requires such an amendment to cure what he regards as a source of indefiniteness. Otherwise, perhaps this explanation will suffice.

Claims 15-17 have also been rejected under 35 USC 112 as indefinite because the limitation "moving said of said upstanding base into firm contact with said object." is unclear. As noted in the amendment to claim 15, what was intended to be claimed was a method illustrated in Fig. 6 wherein the face 7 of the base 1 can be moved into firm contact with the object 8.

Claims, 1, 2, and 4-7, have been rejected under 35 USC 102 as anticipated by Ruiz. Ruiz discloses a device for holding a circular glass cover 4 on a light fitting. It has three columns 2, arranged around the periphery of a circular plate 1, and a sidewardly opening slot 3 facing radially inwardly for receiving the edge of the glass cover 4. One of the columns 2 has a head plate 5 that can be turned to open the slot 3 for insertion of the glass cover 4, and then turned back to hold the cover in place.

Claim 1 calls for a base having a face for engaging an outside corner of the object. The face has surfaces for engaging two non-parallel outside surfaces of the object. The "base" 10 of Ruiz does not have a face for engaging an "outside corner" of his glass cover 4. His glass cover is circular; it does not have corners like the object to be held by Applicant's locking mount, as shown in Fig. 2. Thus, Ruiz does not meet the limitations of claim 1. Moreover Ruiz does not have a top that lies on a plane

orthogonal to the surfaces of the face to engage upper surfaces of the object that lie orthogonal to the outside surfaces when the object lifts away from the other surface. Ruiz has a “top” 5 that is roughly orthogonal to only one surface (the vertical surface, but not the other surface in which the spring-loaded ball 9 is mounted, contrary to the limitations of claim 1. Indeed, the surface in which the spring-loaded ball 9 is mounted does not actually engage the surfaces of the object; the balls 9 do. Thus, Ruiz does not anticipate claim 1.

Claim 2 calls for the face of the base to have an inwardly opening angled portion having inwardly facing surfaces that engage an outside corner of the object. As noted above, the glass cover 4 of Ruiz does not have “outside corners”. However, to make the distinction even more clear, Applicant has amended claim 2 to specify that the inwardly facing surfaces of the base are normal to the “other surface”, that is, the surface of the mounting plate to which the base is attached by screws in the tapped holes 14.

Claim 4 calls for said base to be lower in profile than the object, whereby said mounting mechanism does not obstruct the use of the object. Ruiz teaches a mounting devices for holding a glass cover on a bulkhead light fixture. A bulkhead is a vertical surface or a ceiling, so the limitations of claim 4 are incongruous in the context of Ruiz, especially since the top plate 5 of Ruiz actually supports the object (the glass cover 4) rather than the “other surface” (which in Ruiz would be the “substantially flat fitting plat 1) supporting the glass cover 4. Accordingly, attempting to read claims 1 and 4 on Ruiz leads to a blind ally wherein attempts to stretch the meanings of the words to read on Ruiz just fail.

Claim 6 calls for a clamping mechanism for moving the face of the base against the object to establish firm contact between the face and the object, and claim 7 calls for a clamping device by which clamping pressure of the clamping mechanism is adjustable. This subject matter is illustrated in Fig. 6. There is nothing like this in Ruiz. The spring loaded ball is not an adjustable clamping device. Ruiz does not teach or need a device for tightening the spring 8.

Claim 3 has been rejected under 35 USC 103 as unpatentable over Ruiz and Stiicheli. Stiicheli teaches an adjustable joint for use in a reading stand for patients confined to bed. The adjustable joint of Stiicheli has detents that allow the reading stand to be releasably held in several positions for the reading comfort of the patient.

The Examiner asserts that it would have been obvious to a person of ordinary skill in the art of mounting articles to a support plate to have modified Ruiz by selecting teachings from a patent dealing with a reading stand for bed-ridden patients. Applicant believes that Stiecheli is non-analogous art and that a person of ordinary skill in the art of mounting articles to a support plate would not have consulted the medical or hospital appliances art for a teaching of modifications for Ruiz. Moreover, there appears to be no reason for making the Ruiz device more complicated and expensive than it is. Certainly, there is no teaching in either reference of the necessity or advantage of making the change proposed by the Examiner. Finally, it is not clear to Applicant how the modification proposed by the Examiner would be made, and the Examiner has not explained what he has in mind.

Claims 8 and 9 have been rejected under 35 USC 103 as unpatentable over Ruiz and Kopp. Kopp teaches corner parts 3-6 for holding together upper and lower casing parts 1, 2. The corner parts snap into the corner of the assembled casing parts to hold the assembly together. Kopp does not disclose a way of mounting an article to a support, but merely a way of assembling the casing of an article. In Figs. 3 and 4, Kopp discloses the use of his casing corners as feet for supporting the casing in a vertical orientation on its edge. Kopp does not disclose the use of swiveling top caps for holding the object to a support plate.

Applicant does not believe that the modifications proposed by the Examiner to Ruiz would have been obvious to a person of ordinary skill in the art. The circular glass cover of the Ruiz light fixture does not need four corner assembly parts as taught by Kopp and Applicant is completely at a loss to understand how a person of ordinary skill in the art would apply Kopp to Ruiz. They seem utterly unrelated in every conceivable way. Likewise, the combination of Ruiz, Kopp and Stiecheli in the rejection of claim 10 appears bizarre to Applicant. Looking at these three references together leads to complete mystification as to how they could possibly be combined to produce Applicant's invention as claimed in claim 10. From the perspective of the Examiner, looking for various elements of a claimed combination, it may make sense, but from the perspective of a real person of ordinary skill in the art trying to develop an improvement that makes some sense in the real world, this is just not the way things happen. There is nothing in Kopp that would be remotely applicable to a person of ordinary skill in the

art trying to develop a Ruiz-type device, and attempting to put a detent from Stiecheli into the kluge just makes the exercise that more remote from reality.

Claims 12-14 have been rejected under 35 USC 103 as unpatentable over Ruiz. Claim 12 calls for four corners of the article to be captured between inwardly diverging surfaces of an angled recess in an upstanding base of each mount to prevent lateral movement of the article relative to the supporting surface. Ruiz does not disclose an article with four corners and his device is not configured for holding a four-cornered object. It is designed to hold a circular object, namely, a circular glass cover for a light fixture. There is no teaching in Ruiz to modify his device to hold four corners of a four-cornered object and Applicant asserts that such a modification of Ruiz would be unobvious absent the teaching in Applicant's disclosure.

Claim 13 calls for rotating the top cap of each mount from the closed position to the open position away from the article to clear the angled portion and allow lifting of the article from between the four mounts, and lifting the article from between the four mounts and away from the supporting surface to release the article from the supporting surface. Ruiz has only a single one of the three columns 2 fitted with a rotating head plate 5, therefore he could not possibly rotate the top cap of EACH mount from the closed to the open position, since EACH mount does not have a top cap. Therefore, Ruiz is not within the scope of claim 13. There would be no reason to modify the Ruiz device to provide for a rotating top plate 5 on each of his columns 2 because that would increase the cost and would be unnecessary, since the glass cover 4 is easily removed from the slots 3 by opening the single rotating top plate 5 on the single column 2, as he teaches. Therefore, claim 13 should be patentable over Ruiz.

Claim 14 calls for compressing a spring when pivoting the top cap to allow the top cap to lift slightly away from the upstanding base so the top cap may be rotated to its open position to allow the article to be lifted out for quick and easy removal. Ruiz has a spring loaded ball 8, 9 to engage the underside of the glass 4 to snugly hold the edge of the glass within the respective groove. Ruiz does not disclose compressing a spring when pivoting the top cap to allow the top cap to lift slightly away from the upstanding base. He does show a spring 7 around a shaft 6 to hold the top plate downwardly into contact with the support part 10, but the top plate does not lift away from the support part 10 when the top plate is rotated, as Applicant's top cap does. Hence, claim 14 should be patentable over Ruiz.

Claim 18 has been rejected under 35 USC 103 as unpatentable over Ruiz and Holden. Holden teaches an ultrasonic liquid level indicator for liquids within a reservoir. He has a clamp or grips for attaching the ultrasonic transducer to the reservoir. The clamp has gripping elements made of polyurethane. The Examiner asserts that a person of ordinary skill in the art would naturally look to the medical devices art for a teaching of how to improve the grip of the Ruiz device on the glass cover of his light fixture. Applicant does not believe that Holden is analogous art with Ruiz and that even if it were, that the teachings in Holden are inapplicable to Ruiz, since the purpose of the polyurethane gripping elements are to grip the glass surfaces to hold the ultrasonic transducer against the reservoir surface. There is no requirement like that in Ruiz. These references are not remotely related Holden would be of no interest to a person of ordinary skill in the art working on a device like that of Ruiz.

If the Examiner concurs with Applicant that the claims as amended herein provide a clear distinction of the claimed invention over the prior art, he is respectfully requested to pass this application to issue.

Respectfully submitted,



Michael Neary

Attorney for Applicant
Reg. No. 25,453

542 SW 298th Street
Federal Way, Washington 98023
voice: (253) 941-7683; fax: (253) 941-3623